

THE HIGH COURT OF ORISSA, CUTTACK

NOTIFICATION

NO. 1061/R DATE. 18.09.2017

In pursuance to Hon'ble Supreme Court judgment Dtd.02.01.2017 passed in Criminal Appeal Nos.254-262 of 2012 (Imtiyaz Ahmed- Vrs-State of U.P. & Ors.) the High Court of Orissa have been pleased to adopt the following unit system for assessment of work by the judicial officers of Odisha.

CRITERIA LAID DOWN FOR ASSESSMENT OF WORK

BY THE JUDICIAL OFFICERS OF ORISSA

Assessment on the basis of following scale will be done on annual basis. The quarterly reports for such purposes shall be submitted to the High Court through the District Judge.

SCALE OF NORMS PER ANNUM

POINTS TO BE ENTERED

1200 units or above

60 points

900 units or above

50 points

600 units or above

40 points

480 units or above

30 points

Less than 480 units

(Proportionate points to be given with reasons therefor)

A '**contested case**' means one in which a reasoned judgment is rendered after conclusion of evidence and hearing the parties. Contested case shall not include case disposed of on the basis of "Plea of guilt" of the accused, compounding, withdrawal of case, withdrawal or dismissal of case on default, *ex-parte* proceedings, cases disposed of on compromise, cases disposed of in Lok Adalat, through Mediation, Plea bargaining, Judicial Settlement or other form of Alternative Dispute Resolution.

Judicial Officers who have been assigned both Civil and Criminal work have to achieve 50% of their total unit for civil work which they will reflect in their out turn.

All units are for disposal of contested cases unless specified otherwise.

PROPOSED UNITS (NEW)

A. DISTRICT JUDGES		
	NATURE OF CASES	PROPOSED UNITS
1.	Special Judge (Vigilance)/Special Court/Special C.B.I. Court	
	(a) Trap Case	8 units per case
	(b) DA Case	15 units per case
	(c) Embezzlement Case	12 units per case
2.	Sessions Cases and Cases under POCSO Act, 2012	6 units per case
3.	Offence under I.P.C. exclusively Triable by Court of Sessions along with offence under S.C.&S.T. (P.A.) Act, 1989 OPID Cases	6 units per case
4.	Offence under S.C.&S.T.(P.A.) Act, 1989 read with other offences under IPC & also offences under Electricity Act.	3 units on final disposal of each case
5.	Criminal Appeals/Jail Criminal Appeals	3 units per appeal
6.	Criminal Appeal against judgment in cases involving offence U/s. 409 IPC	5 units per case
7.	Criminal Revisions	1 unit per case
8.	Original Suits & Cases U/s. 34 Arbitration and Conciliation Act, 1996 and Special Statutes.	4 units per case
	For interim measures U/s. 9 of the Arbitration and Conciliation Act, 1996	2 units per case
9.	R.F.A./Election Appeals	4 units per appeal disposal of on contest
10.	Civil Revisions	1 unit on the final disposal of each case
11.	F.A.O.	2 units on the final disposal of each case
12.	Misc. Cases/Execution cases	2 units on the final disposal of each case
13.	MISCELLANEOUS CASES	

(a)	Cases U/s. 166 under the M.V. Act	2 units on the final disposal of each case.
(b)	Cases U/s.140 under the M.V. Act (contested)	0.5 unit on the final disposal of each case.
(c)	Nil Award (Un-contested)	0.3 unit on the final disposal of each case.
(d)	Cases under the ESI Act	4 units on the final disposal of each case.
(e)	Cases under the JJ(CPC) Act	2 units on the final disposal of each case.
(f)	Cases under NDPS Act	6 units per case.
(g)	Criminal Misc. Cases U/s.408 & 440 Cr.P.C.	0.1 unit on the final disposal of 1 case.
(h)	Bail Matters BLAPL Cases	0.25 unit for every application.
(i)	CrI. Misc. Case	2 units for every application.
(j)	Ex-parte or compromise	0.1 unit per case.
B.	CIVIL JUDGE (SENIOR DIVISION)	
1.	(a) Contested Suits (C.S.)	7 units on the final disposal per 1 suit
	(b) Contested Suits C.S.(M)	5 units on the final disposal per 1 suit
2.	R.F.A.	4 units for one Appeal
3.	F.A.O.	2 units for one Appeal
4.	Ex-parte or compromise of suit	0.5 unit per case
	MISC. JUDICIAL CASES / I.A.	
5.(a)	Cases under the Spl. Acts including Election cases under Orissa Panchayat Samiti Act.	4 units for final disposal of each case
5.(b)	Cases under C.P.C.	1 unit per one Misc. Case / I.A.
5.(c)	Execution Cases	2 units on the final disposal of each case
6.	Final decree Proceedings	2 units per one final decree proceedings
7.	Arbitration Cases U/s. 5, 8, 11, 13, 20 & 30 of Arbitration Act, 1940	1 unit for every case
C.	ASSISTANT SESSIONS JUDGES	
1.	Sessions Cases	5 units per case
2.	Bail Matters BLAPL Cases	0.25 unit per application

3.	Principal Magistrate, JJB	1.5 unit per enquiry
D.	CIVIL JUDGE (JR. DIVISION)	
1.	Contested Suits (C.S.)	7 units per case
2.	Contested Suit C.S.(M)	5 units on the final disposal of 1 suit
3.	Cases under the Spl. Acts including Election cases under the Orissa Grama Panchayat Act	4 units per case
4.	Final decree proceedings	2 units per one final decree proceedings
	MISC. JUDICIAL CASES	
5.	Cases under C.P.C.	1 unit per one Misc. Case
5.(a)	Case under Spl. Acts including Election Cases under Orissa Grama Panchayat Act	4 units on the final disposal of each case
6.	Ex-parte or compromise of suit	0.5 unit per case
6.(a)	Execution Cases	2 units per case
E.	CONTESTED CRIMINAL CASES FOR JUDICIAL MAGISTRATES	
1.	For disposal of Contested Criminal Cases for all Judicial Magistrates including J.J.(CPC) cases.	2 units per 1 case
2.	Bail Matters	0.25 unit for every Misc. Case for bail
3.	Cases U/s.125 Cr.P.C.	2 units per final disposal
4.	Interim petition U/s.126, 127 & 1238 Cr.P.C.	0.1 unit on disposal per petition
5.	Statement of the victim or witness recorded U/s.164 Cr.P.C.	0.25 unit for recording of every witness or victim
6.	Test Identification Parade	0.5 unit per each visit to jail
7.	Enquiries U/s.202 Cr.P.C.	0.2 unit for every witness examined
8.	Petty Offences U/s. 206 Cr.P.C. (Motor Vehicle)	0.1 unit per case
9.	Cases on admission in Criminal Side (Uncontested)	0.1 unit per case
10.	Cases under Section 409 I.P.C.	5 units per case
11.	Commitment	0.4 unit per case
12.	For taking cognizance in complaint cases involving offence U/s.138 N.I. Act or IPC in other cases	2 units per cognizance 0.25 units
13.	For final disposal of Cases under P.W.D.V. Act	2 units per case

	For interim orders U/s.23 P.W.D.V. Act	1 unit per order
F.	INDUSTRIAL TRIBUNAL/LABOUR COURTS	
1.	Industrial Disputes Cases U/s. 10 & 12	6 units per case
2.	ID. Misc. Cases (Un-contested)	0.1 unit per case
3.	Misc. Cases U/s.33	2 units per case
4.	Misc. Cases U/s.33(c)	2 unit per disposal
G.	SALES TAX TRIBUNAL	
		1 unit per disposal
H.	ENDOWMENT COMMISSIONER / DEPUTY COMMISSIONER / ADDITIONAL ASSISTANT COMMISSIONER	
1.	U/s.19	1 unit per case
2.	Under Sec. 25	2 units per case
3.	Under Sec.41	7 units per case
4.	Under Sec. 42	7 units per case
5.	Under Sec.44	2 units per case
6.	Under Sec.68	0.4 unit per case for the Commissioner & 0.2 unit per case for Asst. Commissioner.
	Total number of working days per year is to be treated as 240 working days	
	All kinds of 7 years or more old cases	Extra 1.5 units per disposal
	All kinds of 5 years or more old cases	Extra 1 unit per disposal
	All kinds of 3 years or more old cases	Extra 0.5 unit per disposal
I.	JUDGE, FAMILY COURT	
1.	Contested U/s. 10 & 13 of Hindu Marriage Act, 1955	7 units per disposal
2.	Contested U/s. 9 & 12 of Hindu Marriage Act, 1955	4 units per disposal
3.	Contested U/s. 13-B of Hindu Marriage Act, 1955	1 unit per disposal
4.	U/s.18, 20 of Hindu Adoption & Maintenance Act, 1956	7 units per disposal
5.	Cases under Guardians and Wards Act, 1890	3 units per disposal
6.	Special Marriage Act, 1954	6 units per disposal
7.	The Divorce Act, 1869	6 units per disposal
8.	Cases under Mohammedan Law	5 units per disposal
9.	Adoption Cases under JJ(CPC) Act	1 unit per disposal

J.	P.O., EDUCATIONAL TRIBUNAL	
1	G.I.A. Cases	4 units per case
2.	Educational Appeal	3 units per appeal
3.	Execution Case	2 units per appeal for final disposal
4.	Inter Locutory Application	0.25 unit for disposal of each application

0.5 unit shall be given to the Officer remaining in charge of other Court per day.

0.25 unit shall be given for every MACT case or civil suit disposed of in Lok Adalat.

2 units to the Referral Court, per case, disposed of upon successful mediation.

0.25 unit shall be given for every witness examined / cross-examined in any Court.

0.25 units shall be given for recording statement, per accused u/s.313 Cr.P.C.

For Commissioner Endowments and for Assistant Commissioners Endowments there shall be 50% reduction of units for computation of the outturn and for Deputy Commissioners there shall be 60% reduction for such computation.

In case of adjudication of any proceeding during execution alike suit, the said proceeding shall be given equal units as allotted to the Suit of that Court.

Example- Order 21 Rule 58, Order 21 Rule 97, 99, 100, 101 C.P.C etc. and Rule 429, 430 GR & CO (Civil).

For first hearing matters Senior Principal Civil Judge/Principal Civil Judge (Jr. Division)/S.D.J.M./Cog. Taking Magistrate/PM, JJB shall get 0.5 unit per day devoted for judicial work.

Additional Senior Civil Judge/Additional Civil Judge (Jr. Division) shall get 0.25 unit per day for first hearing matters of his Court.

Since benefit for first hearing is given no benefit for taking of cognizance, enquiry u/s.202 Cr.P.C. and bail matters may be given.

In case of strike by Bar Members or otherwise causing no Court work units to be added – no. of days of strike into the unit achieved by the Officer per day taking 240 working days per annum i.e. Annual Units achieved ÷ 240 × Days of Strike

In the event any Officer falling below 100 units shall have to assign cogent reasons therefor in a column provided in the quarterly report.

On the report of concerned District Judge basing on the report of such Officer the matter of giving grace units shall be considered by the Administrative Judge of the District. 20% of the units achieved by the Officer during the year may be given as grace-units to Officers holding Magisterial Courts/Civil Judge (Jr. Divn.) cadre Courts where pendency is less than 1000 cases and in case of

Senior Civil Judge/ASJ cadre Courts where pendency is less than 500 cases and in case of ADJ cadre Courts where pendency is less than 300 cases.

1.	Annual Inspection.	-	2 days can be taken – 5 units.
2.	Chamber duty.	-	1 day instead of 3 days in a year.
3.	Administrative work for D.J per month.	=	Number of Officers in the District × .5 Unit.
4.	Administrative work for CJM per month.	-	Number of Officers in the District × .5 Unit.
5.	Administrative work for Family Court.	-	5 Units per month.
6.	Sessions Trial Cases disposed of by JJB.	-	3 Units.
7.	For attending legal literacy Camp.	-	2 Units per Camp.
8.	Officers in-charge of Malkhana / Accounts.	-	Covered under benefit for first hearing for which no extra unit is given, otherwise 2 units per month.
9.	For inspection by DJs / CJMs	-	Five units per Court.

General Assessment

Numerically Assessed

		Maximum Prescribed Points	Points to be awarded
(a)	Overall Disposal in units : (Keeping in view days devoted to Judicial work out of 240 working days).	60	
b)	Commitment / promptness in pronouncing : Judgments / Order / Award.	10	
(c)	Commitment to ADR activities, legal : literacy Awareness Camp and other Legal Services Activities.	10	
(d)	Discussion of law & facts in judgments / : Order / Award.	10	
(e)	Punctuality & Regularity :	10	
Total:		100	

Assessment to be made by the reporting officer concerned following the table given below.

80% or above	Outstanding
65% or above	Very Good
50% or above	Good
40% or above	Average
Less than 40%	Poor

N.B.:- At the time of computation of points for Rule-8(a) if the remainder is 0.5 or above it is to be rounded as 1 point, otherwise zero.

The new criteria shall be applicable from January, 2017.

BY ORDER OF THE COURT

(D.R. KANUNGO)

MEMBER-SECRETARY, SCMSC